

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

In Re WAL-MART STORES, INC. )  
WAGE AND HOUR LITIGATION )

Nos. C06-2069 SBA (BZ) &  
C06-5411 SBA (BZ)

\_\_\_\_\_  
This Document Relates To: )

**FIFTH DISCOVERY ORDER**

Case Nos. )

C06-2069 SBA (Smith) and )  
C06-5411 SBA (Ballard) )

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Before the court are plaintiff's motion to compel defendant to produce certain documents and defendant's cross motion for a protective order seeking to delay production of some of the documents. Having read the oppositions, I find no need for further briefing or argument and **VACATE** the hearing scheduled for September 5, 2007. Good cause appearing, **IT IS HEREBY ORDERED** as follows:

1. Defendants shall produce all documents in response to Requests No. 1, 2, 3, 4, 5, 7, 8, 9, 11, 12, 13 and 14, that can be located without reviewing the files of the approximately 200,000 potential class members and that they

1 have not already produced by **August 22, 2007**. Requests No.  
2 11-15 are limited to documents that pertain to the proposed  
3 class. Defendants shall produce the requested documents from  
4 the files of 10,000 potential class members by **August 31,**  
5 **2007**. The 10,000 class members may be chosen at random in  
6 alphabetical order or in order of termination date at  
7 defendant's discretion.

8 2. Defendants shall produce the requested documents for  
9 another 10,000 potential class members every week thereafter  
10 until all have been produced.

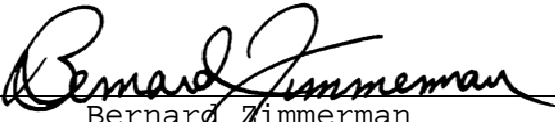
11 3. If after reviewing the documents that defendants  
12 produce in response to paragraph 1, plaintiffs believe there  
13 is a need for more expedited production of the remaining  
14 documents, they shall immediately notify the court.

15 4. Requests No. 15 and 16 are **DENIED** as overbroad.

16 5. Plaintiff shall lodge with the Court a record of the  
17 parties' meet and confer session by **Wednesday, August 22,**  
18 **2007**.

19 6. Except as so ordered, both motions are **DENIED**.

20 Dated: August 16, 2007

21   
22 Bernard Zimmerman  
23 United States Magistrate Judge

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